

Committee on Resources

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TESTIMONY OF Tim Lillebo

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before the House Committee on Resources

field hearing on Crisis on our National Forests: Reducing the Threat of Catastrophic Wildlife to Central Oregon Communities and the Surrounding Environment

Redmond, Oregon -- August 25, 2003

Hello Greg and members of the Resources Committee. I appreciate this opportunity to testify on important forest management and fire issues. Most of my comments will be directed to the HR 1904 fire legislation concerning its content and needed improvements. We are opposed to HR 1904 in its current form.

---This bill does not prioritize the funding in the Wildland Urban Interface (WUI) community zone where houses, property, and people are at risk. This bill does not significantly fund work on private, state, and tribal lands where the preponderance of WUI houses and communities are located. 85% of the WUI are private, state, or tribal lands and only 15% BLM and Forest Service federal lands.

I ask the Resources Committee and the public, with 85% private, state, and tribal, doesn't it make common sense to first spend most of the money where you can help protect the most houses, private property, and people.

Yes, we have many dry site ponderosa pine forests that need prescribed fire or small tree thinning followed by prescribed fire to help restore these forest ecosystems, but as first priority we should be focusing the limited funding on houses and community zones.

This bill's language would allow logging in wildlands far away from homes and communities.

I agree with last weeks Oregonian editorial to the President which reads:

"commit explicitly to doing most of this first round of forest treatments in the so-called urban interface, where houses and people are at risk, rather than the backcountry".

---There are no old-growth protection provisions in this bill. Again, the public has shown overwhelming support to protect old-growth. It is these thick barked larger old growth trees that are fire resistant and lived through nature's millennia of ground fires.

These large old growth trees are ecologically the ones we must retain while we burn or thin the thick stands of small trees and brush that have grown in since we suppressed most ground fires for the last 60-80 years. After a century or more of logging big trees, we have precious few left in our forests. The notion that we log larger fire resistant trees to pay for fuels reduction has no scientific or ecological basis. It just doesn't make sense to log off the fire-resistant big trees. As one congressman put it, if you have a failed kidney, you sell your one good kidney and to pay for the kidney transplant operation. No way. This is failed logic. Our precious public forests are a great American heritage and they are more than worth funding investments to help protect them.

I agree with last weeks Oregonian Editorial to President Bush which reads:

"First, agree to amend the bill so that it reads clearly that no old-growth trees or roadless areas will be logged under the guise of fire prevention" and "if this bill is not about old growth or roadless areas, it should say so."

---This bill has no protection for roadless areas from logging.

The recent National Forest Roadless Area Protection Rule received millions of public comments with the overwhelming majority in favor of full Roadless Area Protection from new roads and logging. Some of these areas need ecosystem restoration. When funds become available, many of these areas could be prescribed

burned with no mechanical treatment or thinning.

Sure we hear publicity on the few prescribed fires that got away, which is very sad in some cases, but there have been thousands of prescribed burns that reduced fuels and were performed professionally by Forest Service experts.

Again, I agree with last weeks Oregonian editorial to President Bush which reads:

"agree to amend the bill so that no old-growth trees or roadless areas will be logged under the guise of fire prevention". "If this bill is not about old growth or roadless acres, it should say so."

---This bill repeals the Appeals Reform Act of 1992 for fuels reduction projects and takes away the current statutory rights of ordinary citizens to challenge and appeal such government decisions. If we are trying to build trust and collaboration, it is not a good idea to take away current legal rights of American citizens to challenge the government. The bill provides for an unknown and as yet unformulated citizen review process. Any new process must be known and debated before any legislation passes.

The public input and citizen rights to the appeal process often leads to a better project on the ground.

Some timeframes can be shortened, but these timeframes must be reasonably long to allow for meaningful public input. We are willing to have somewhat expedited time frames for fuels reduction projects in the 1/3 mile WWI Community Zone near houses, but the public must retain full public participation and the appeals process outside this 1/3 mile zone.

Many times, the public has improved projects by being involved in the project planning. One local example is the large 13,000 acres Metolius Basin Fuels Reduction Project. In the draft proposed Forest Service Alternative 150-200+ year old fire resistant ponderosa pine were planned to be logged. A citizens Federal Advisory Committee was involved and then major public input was received that objected to this old growth logging, which helped the Forest Service change the proposed alternative to not log the old growth ponderosa pine. This is the beauty and propriety of full and complete public input and appeals process.

Under the HR1904 bill, the Metolius project may have had only one alternative and citizens would not have had the same public input or appeals and the old growth pine logging could have sadly happened. Only one alternative does not give land managers or the public a reasoned choice as is rightly required by the current law. The public needs full NEPA process and forest managers need a choice among alternatives.

--We should not short-circuit the public input process.

Studies of all of the fuels reduction projects have shown that the vast majority of the appeals were resolved in the normal public allotted time frames.

--This bill could allow 1000 acre projects with no logging limitations if the area has trees that are at risk of fire, insect, or disease damage. Does that mean any tree made of wood? We need clarification and definitive protection guidelines here. Not only could the bills language allow these areas to be clear cuts, but there could be many 1000 acre areas back to back, one after another. Greg and I have discussed this, and I do not think the agencies would normally plan 1000-acre clear cuts, but the bills' language would not specifically prohibit it.

---We have many examples of good fuels reduction projects that can be models for future actions. I will mention three such projects.

-Highway 20 Fuels Reduction. Sisters to Black Butte: thin 8" dbh, mow, and prescribe burn, with one 10" dbh commercial thin adjacent to Black Butte Community. The project left the larger fire resistant trees and old growth—it is a public success story and it was not appealed. People like it!

-Chiloquin Project (in south central Oregon) thinning and burning to protect small community in South Central Oregon—Forest Service said 8" dbh limit was good to get fuels reduced and no appeals.

-Crater Lake area thinning project: prescribed burning, small tree and commercial thin 12" dbh to restore old growth and forests adjacent to Crater Lake National Park—there was commercial product and an old growth interpretation area with no appeal.

---Unfortunately HR1904 does not have a strong prescribed fire provision.

We should generally try to get the most "bang from our buck" to reduce fire risk. The least expensive way is to use prescribed fire. There are literally millions of acres of western forests that with little or no mechanical treatment could be prescribed burned. These prescribed burns can be relatively cheap and effective firebreaks. Prescribed burning is often 1/10th to 1/3 the cost of thinning the same acres.

There are millions of acres where a small tree <8"dbh thinning can be done and followed by prescribed fire.

There are also millions of acres in previously roaded lands that could be thinned up to 12" dbh and provide forest products and some financial return. We could use the model projects I previously mentioned to design future projects.

---This bill interferes with our independent Judiciary. The foundation of our democracy is the three branches of government: Congress, Administrative, and Judicial; our system of checks and balances. This bill unreasonably restricts the rights of citizens to legally challenge government decisions and restricts the independent judiciary.

The public only having 15 days to file a legal challenge is totally unreasonable. Also giving special weight to the government in litigation is unfair to citizens and violates our impartial judiciary.

I agree with last Wednesdays Oregonian editorial to President Bush which reads:

"Do not go after the judicial process" "the first step in creating a healthier political climate on public lands should not be to restrict the ability of people to challenge government decisions"

---It's a scientific fact that the dry intermountain west ponderosa pine forests were born of fire. For thousands of years fire was the natural part of the ecosystem and despite all our efforts, fire will continue. It's not a question of IF these forests will burn; it's WHEN they will burn. We can and should join with nature and use prescribed fire and appropriate small tree thinning to try and restore the ecological balance of these fire dependent forests.

---Recommendations

There are several areas where this legislation must be improved and needs provisions for:

- *Protect old growth and large fire resistant trees

- *Protect roadless areas

- *Focus the funds and work in the WUI Community Protection Zone to actually protect property, houses, and communities

- *Provide significant additional funding to do the appropriate work

- *Maintain, not lesson the current public input and appeal process

- *Not interfere with the independent judiciary and maintain American citizens current rights to legally challenge government decisions

If these important elements are clearly added to the bill, we will have good common ground to pass legislation that helps protect people, communities, and our invaluable forests.